

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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SAMUEL I. RIVERA,

Plaintiff,

19 **CIVIL** 4630 (LJL)

-against-

JUDGMENT

COMMISSIONER OF THE SOCIAL SECURITY
ADMINISTRATION,

Defendant.
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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated January 14, 2021, the Court has reviewed the record and the Report and Recommendation for clear error and, finding none, the Report and Recommendation is ADOPTED in its entirety and Plaintiff's motion for judgment on the pleadings is GRANTED and the Commissioner's motion is DENIED, and the case is REMANDED for further proceedings. On remand, the ALJ should reevaluate the persuasiveness assigned to the opinion evidence of record and explicitly discuss both the supportability and the consistency of the consulting examiners' opinions. He should then reconsider his step three analysis and his RFC formulation in light of all of the opinion evidence he has found persuasive. In addition, the ALJ should consider Listing 12.05 at step three, and should reassess plaintiff's reports of his subjective symptoms; accordingly, the case is closed.

Dated: New York, New York
January 14, 2021

RUBY J. KRAJICK

Clerk of Court

BY:

K. Mango
Deputy Clerk